

**Exhibit Q**

**Miguel Motion to Vacate**

18-2-08480-31  
MT 32  
Motion  
10583287



FILED

2021 JUN 30 AM 11:46

HEIDI PERCY  
COUNTY CLERK  
SNOHOMISH CO. WASH

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SNOHOMISH

SHELLEY S. HAWKINS,

Plaintiff

v.

A&E FACTORY SERVICE,  
L.L.C., a Delaware limited liability  
company; SEARS HOLDINGS  
MANAGEMENT CORPORATION,  
a foreign profit corporation;  
FATEMAH S. ALSUWAIDAN and  
JOHN DOE ALSUWAIDAN,  
husband and wife and their marital  
community; EDWIN G. MIGUEL  
and JANE DOE MIGUEL, husband  
and wife and their marital  
community; and JENNI M.  
WAKIDA and JOHN DOE  
WAKIDA, husband and wife and  
their marital community,

Defendants

No 18-2-08480-31

PLAINTIFF'S EX PARTE  
MOTION TO VACATE ORDER  
OF DEFAULT AND DEFAULT  
JUDGMENT AGAINST  
DEFENDANT EDWIN G. MIGUEL  
ONLY

COMES NOW the Plaintiff and moves the court as follows:

**I. RELIEF REQUESTED**

Plaintiff moves the court to vacate its Order of Default and default judgment against  
Defendant Edwin G. Miguel only.

PLAINTIFF'S EX PARTE MOTION TO VACATE ORDER  
OF DEFAULT AND DEFAULT JUDGMENT AGAINST  
DEFENDANT EDWIN G. MIGUEL ONLY - 1

Original

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1 **II. STATEMENT OF FACTS**

2 The Plaintiff's Complaint alleges negligence in causing motor vehicle collisions that  
3 injured Plaintiff. Of these defendants, Jenni Wakida and John Doe Wakida, were previously  
4 dismissed from this action with prejudice and have no involvement with this action or the  
5 issue before the court.

6 On May 2, 2019, upon Plaintiff's motion, this Court entered an Order of Default and  
7 default judgment against Defendant Miguel. *Exh. 1, Order of Default, and Judgment dated*  
8 *May 2, 2019.* Prior to entry of judgment, Defendant Miguel had not appeared in the action.  
9 *Exh. 2, Findings of Facts and Conclusions of Law in Support of Entry of Default and Default*  
10 *Judgment, dated May 2, 2019, Finding of Fact ¶ 5.*

11 As of the date below, none of the defendants, including Defendant Miguel, have  
12 appeared in the action. *Declaration of Plaintiff's Counsel.* This motion is thus appropriate for  
13 resolution on an *ex parte* basis and without notice to any defendant.

14 Plaintiff wishes to vacate the default order and judgment against Defendant Miguel  
15 only.

16 **III. STATEMENT OF ISSUES**

17 1. Should the order of default and judgment against only Defendant Edwin Miguel  
18 be set aside pursuant to CR 55 since good cause exists for doing so?

19 **IV. EVIDENCE RELIED UPON**

- 20 1. Order of Default, and Judgment dated May 2, 2019.  
21 2. Findings of Facts and Conclusions of Law in Support of Entry of Default and  
22 Default Judgment, dated May 2, 2019.

23 **V. AUTHORITY**

24 Civil Rule 55(c) provides that:

25 **(c) Setting Aside Default.**

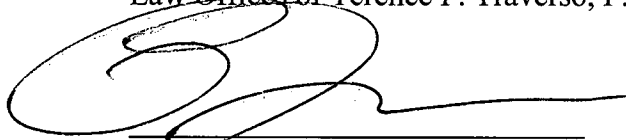
26 *(1) Generally.* For good cause shown and upon such terms as the court  
27 deems just, the court may set aside an entry of default and, if a judgment

1 by default has been entered, may likewise set it aside in accordance with  
2 rule 60(b).

3 Here, Plaintiff asserts that good cause exists for setting aside the Order of Default and  
4 Judgment against Defendant Miguel.

5  
6 DATED this 24<sup>th</sup> day of June, 2021.

7 Law Offices of Terence F. Traverso, P.S., by

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9 Terence F. Traverso  
10 WSBA #21178  
11 Attorney for Plaintiff  
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